

HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION NO.185 OF1994.

Date of decision:15.11.1995.

For approval and signature

The Honourable Mr. Justice S.M.Soni

and

The Honourable Mr. Justice R.R.Jain

Mr.Akil Kureshi, advocate for petitioners.

Mr.J.R.Nanavati, advocate for respondent Nos.2 and 3.

Mr. Suresh M. Shah, advocate for respondent No.4.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M.Soni & R.R.Jain, JJ.

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November 15, 1995.

Oral judgment (Per Soni, J)

Petitioners have complained against the respondents for breach of the order passed by Registrar's Nominee in Lavad Case No.544/92 dated 18.8.1992. Any order passed by the Board of Nominee is executable under the

provisions of Civil Procedure Code under the Co-operative Societies Act itself. The Supreme Court in the case of

the Alahar Cooperative Credit Service Society v. Sham Lal, 1995 (2) GLH, 550, has held that contempt proceeding is not a substitute for execution and, therefore, we are of the opinion that when the grievance can be redressed with another mode provided in the Act itself this Court should refuse to entertain the contempt petition like this. As there are disputed questions as well as there is an alternative remedy available to the petitioners, we would not like to interfere and entertain this application. Hence, petition is dismissed. Rule discharged. No costs.